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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,087	04/25/2001	Mike Casson	28107.20	8435
27683	7590	04/14/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			NGUYEN, CAM LINH T	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 04/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/843,087

**Applicant(s)**

CASSON ET AL.

**Examiner**

CamLinh Nguyen

**Art Unit**

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46, 116 and 117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46, 116 and 117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's responses to the restriction/election are acknowledged. Consequently, claims 1 – 46, 116 – 117 are elected for further processing. Claims 47 – 115 are withdrawn from consideration.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5 – 6, 10 – 21, 24, 28 – 29, 33 - 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Eimar M. Boesjes (U.S. 6,799,165 B1).

♦ As per claims 1, and 24,

Boesjes discloses a computer implemented method of accessing a common database having database records for use in an interactive sales and marketing network system, comprising:

- “Providing a plurality of Internet websites” See col. 7, lines 23 – 33. There are plurality of providers, therefore, the system must have plurality of Internet Web site.
- “Coupling the Internet websites to the common database” See col. 7, lines 23 – 33, col. 8, lines 2 – 10.

Art Unit: 2161

- “And permitting users of the websites to search the common database for database records having a particular set of characteristics using a search query” See col. 8, lines 44 – 62.

♦ As per claims 5, 28, Boesjes discloses:

- “The method of claim 1, further including: permitting the users to maintain corresponding user profiles” See col. 8, lines 45 – 63, col. 9, lines 20 – 44.

♦ As per claim 6, 29, Boesjes discloses:

- “The method of claim 5, further including: automatically generating a search query for a user for searching the common database as a function of the corresponding user profile” See col. 8, lines 45 – 63, col. 9, lines 20 – 44.

♦ As per claims 10, 33, Boesjes discloses:

- “The method of claim 1, further including: permitting users of the websites to purchase the database records having the particular set of characteristics” See col. 8, lines 45 – 63, col. 9, lines 20 – 44.

♦ As per claims 11, 34, Boesjes discloses:

- “The method of claim 10, further including: if a user previously purchased database records, requesting the user to provide the consumer response to the previously purchased database records” See col. 10, lines 2 – 10.

♦ As per claims 12, 35, Boesjes discloses:

- “The method of claim 10, further including: if the user previously purchased particular database records, then not retrieving those particular database records in response to the

Art Unit: 2161

user search for database records having the particular set of characteristics” See col. 11, lines 15 – 29.

♦ As per claims 13, 36, Boesjes discloses:

- “The method of claim 10, further including: transmitting the purchased database records to a third party” the third party may be corresponding to the party that handle the payment of the user.

♦ As per claims 14, 37, Boesjes discloses:

- “The method of claim 10, further including: transmitting the purchased database records to the system” See Fig. 9 and col.10, lines 25 – 58.

♦ As per claims 15, 38, Boesjes discloses:

- “The method of claim 10, further including: recording the purchase of the purchased database records including the corresponding search query” col. 8, lines 58 – 63.

♦ As per claims 16, 39, Boesjes discloses:

- “The method of claim 10, further including: the system processing the purchased database records to generate an output product” See col. 11, lines 15 – 29.

♦ As per claims 17, 40, Boesjes discloses:

- “The method of claim 1, further including: automatically generating a search query for a user for searching the common database” See col. 11, lines 15 – 29.

♦ As per claims 18 - 21, 41 – 45, Boesjes discloses:

- “The method of claim 1, further including: providing usage statistics for a search query selected for use by a user” See col. 11, lines 15 – 29.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 – 4, 7 – 9, 22 – 23, 25 – 27, 30 – 32, 46, 116 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eimar M. Boesjes (U.S. 6,799,165 B1) in view of Ahlberg et al (U.S. 6,014,661).

♦ As per claims 2 - 3, 22 – 23, 25 – 26, 46,

Boesjes teaches a method for access a common database. Boesjes fails to teach that “wherein permitting users of the websites to search the common database for database records having a particular set of characteristics using a search query includes: permitting users of the websites to search the common database for a random selection of database records having a particular set of characteristics using the search query”, and “permitting users of the websites to search the common database for every nth database record having a particular set of characteristics using the search query”.

However, Ahlberg, on the other hand, discloses a method for automatic analysis of databases comprising the teaching of randomly selection of database records (col. 5, lines 5 – 6, Ahlberg) or searches the common database for every nth database record (col. 5, lines 2 – 5, Ahlberg).

Art Unit: 2161

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Ahlberg into the system of Boesjes because the combination would reduce the searching time as suggest by Ahlberg (col. 6, lines 62 – 67, Ahlberg).

♦ As per claims 4, 9, 27, 32, the combination of Boesjes and Ahlberg disclose:

- “The method of claim 1, wherein the search query includes: selecting database records having multiple inclusive and exclusive characteristics” See col. 6, lines 10 – 18 of Ahlberg.

♦ As per claims 7 – 8, 30 – 31, the combination of Boesjes and Ahlberg disclose:

- “The method of claim 6, further comprising: automatically generating a search query for searching the common database for a random selection of database records having a particular set of characteristics as a function of the corresponding user profile” and “automatically generating a search query for searching the common database for every nth database record having a particular set of characteristics as a function of the corresponding user profile” See col. 8, lines 45 – 63, col. 9, lines 20 – 44 of Boesjes and col. 5, lines 2 – 6 of Ahlberg.

♦ As per claims 116 – 117,

Claims 116 and 117 are rejected based on the rejection of the above claims.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kloba et al (U.S. 6,421,717) discloses a system, method for customizing content data for a mobile device.

Art Unit: 2161

- Alexander S. Tuzhilin (U.S. 6,236,978) discloses a method, system for dynamic profiling of users in one-to-one applications.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024.

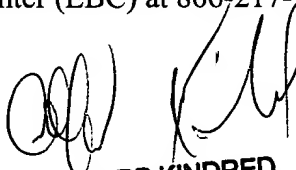
The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272 - 4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161

  
ALFORD KINDRED  
PRIMARY EXAMINER